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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS W. FROEHLKE,
Plaintiff,

v.

HOMEcomings FINANCIAL
NETWORK, INC., et al.,

Defendants.

Case No. EDCV 13-01868-JGB
(DTBx)

**JUDGMENT AND ORDER
DISMISSING COMPLAINT WITHOUT
PREJUDICE**

On October 15, 2013, Plaintiff Douglas W. Froehlke filed his Complaint against Defendants Bank of America, NA, ReconTrust Company, NA, and Homecomings Financial Network, Inc. (Doc. No. 1.) Along with the Complaint, Plaintiff moved for a temporary injunction, which Defendants Bank of America, NA and ReconTrust Company, NA opposed on November 4, 2013. (Doc. Nos. 5-6.) Bank of America, NA and ReconTrust Company, NA also moved to dismiss on November 8, 2013. (Doc. No. 12.) The Court denied Plaintiff's motion for a temporary injunction, granted the motion to dismiss, and dismissed Bank of America, NA and ReconTrust Company, NA from the

1 action without prejudice on December 4, 2013. (Doc. No.
2 22.) Judgment dismissing these two Defendants without
3 prejudice was entered on April 1, 2014. (Doc. No. 26.)

4 No proof of service is on file for Defendant
5 Homecomings Financial Network, Inc. ("Homecomings"), and
6 it has not appeared in this action. On April 1, 2014,
7 the Court issued an order to show cause why the case
8 should not be dismissed as to the remaining Defendant
9 Homecomings for lack of prosecution. (Doc. No. 27.) The
10 Court put Plaintiff on notice that failure to respond to
11 the order would be deemed consent to the dismissal of the
12 action. (Id.)

13 As of the date of this Order, Plaintiff has not
14 responded to the order to show cause, nor has he filed
15 proof of service as to Homecomings. Plaintiff has not
16 filed anything in this action since January 27, 2014.
17 (Doc. No. 25.)

18 Accordingly, the Court DISMISSES Homecomings from
19 Plaintiff's Complaint WITHOUT PREJUDICE. Since no
20 Defendants remain in this action, the Complaint is
21 DISMISSED WITHOUT PREJUDICE, and the Clerk shall close
22 the file. The Court orders that such judgment be
23 entered.

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26 Dated: May 15, 2014



27 JESUS G. BERNAL
28 United States District Judge

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